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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,184	09/21/2000	Kyoko Matsumoto	TAK-140-USAP	9127
28892	7590	10/21/2005	EXAMINER	
SNIDER & ASSOCIATES P. O. BOX 27613 WASHINGTON, DC 20038-7613			BLECK, CAROLYN M	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/666,184

EXAMINER

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09152005

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DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 24 June 2005.

Claims 1-8 are pending. Claim 1 has been amended.

Requirement for Information Under 37 C.F.R. § 1.105

2. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

The Examiner, upon conducting a prior art search, noted an article referring to Shiseido's Beauty product (par. 3 of article "Shiseido, Kao offer virtual makeup"). This article discusses the following features of this product, namely, selecting makeup based either on features or complexion, where if features are chosen, a computer makes an assessment of a face based on four categories. The product then recommends the best makeup for facial features. The product is also capable of judging the complexion of the skin and selecting the three best lip colors.

While the Examiner recognizes that this product is not the system described in claim 1, the Examiner is requesting information on the research and analysis performed to develop the Shisheido Beauty computer system. In particular, the Examiner recognizes that this computer system in the article is programmed to know which

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category a particular customer falls into. To determine these categories, Shisheido must have performed market analysis using "enquiries" as described in claim 1 among a plurality of people to determine which colors look good on which type of complexion.

The Examiner requests information pertaining to this market research prior to 9/21/1999, such as the research process used by Shisheido to determine appropriate colors for different types of people and the surveys given to people to determine the types of colors they prefer. The Examiner also requests information pertaining to how the computer determines the three best lip colors for a particular customer and how Shisheido determined the categories of "cute, mature, sharp, and soft" prior to 9/21/1999. How does the system know which colors are best for which type of complexion? How does the computer know which category a particular customer falls into? Shisheido likely did research to determine these "three best lip colors" and specific categories. The Examiner requests information pertaining to this research prior to 9/21/1999, such as research done to determine the best lip colors for a particular skin tone.

3. In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

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4. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

5. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item.

6. This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Bleck whose telephone number is (571) 272-

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6767. The Examiner can normally be reached on Monday-Thursday, 8:00am – 5:30pm, and from 8:30am – 5:00pm on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached at (571) 272-6776.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(571) 273-8300	[Official communications]
(571) 273-8300	[After Final communications labeled "Box AF"]
(571) 273-6767	[Informal/ Draft communications, labeled "PROPOSED" or "DRAFT"]

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Hand-delivered responses should be brought to the Knox Building, Alexandria, VA.

CB

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September 15, 2005


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600